



Community Development Department

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | [RiversideCA.gov](http://RiversideCA.gov)

Planning Division

**PLANNING COMMISSION HEARING DATE: MAY 03, 2018**

**AGENDA ITEM NO.:2**

**PROPOSED PROJECT**

<i>Case Numbers</i>	P17-0550 (Alley Vacation)	
<i>Request</i>	To consider an Alley Vacation to abandon an approximately 0.10-acre segment of a public alley, 220.62 feet in length and 20 feet in width, connecting Fifth Street and Sixth Street, located mid-block between Market Street and Fairmount Boulevard, to facilitate construction of a multi-phase hotel development.	
<i>Applicant</i>	Atman Kadakia, ASK Ventures, LLC	
<i>Project Location</i>	A segment of a public alley that connects Fifth and Sixth Streets, between Market Street and Fairmount Boulevard.	
<i>Project Area</i>	0.10 acres	
<i>Ward</i>	1	
<i>Neighborhood</i>	Downtown	
<i>APN</i>	N/A	
<i>General Plan Designation</i>	N/A	
<i>Zoning Designation</i>	N/A	
<i>Staff Planner</i>	Brian Norton, Senior Planner; 951-826-2308; bnorton@riversideca.gov	

**RECOMMENDATIONS**

Staff recommends that the City Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) subject to Section 15061[b] (General Rule) of the CEQA Guidelines, as it can be seen with certainty that the project will have no significant effect on the environment; and

2. **RECOMMEND APPROVAL** of Planning Case P17-0550 (Alley Vacation), based on the findings outlined in the staff report and subject to the recommended conditions.

## PROPOSAL

The public alley, 333 foot long by 20 foot wide, is located mid-block between Market Street and Fairmount Boulevard, and connects Fifth and Sixth Streets. The northern segment of the alley, 220.62 feet in length and 20 feet in width is proposed to be vacated to facilitate the construction of a phased hotel development previously approved under Planning Cases P15-0535 (CUP) and P16-0048 (DR) in March 2016. The proposed alley vacation is needed to adequately secure the hotel surface parking lot, which will be fenced and gated at each end for security purposes. Access will be provided for emergency and solid waste vehicles only. The remainder of the alley, south of the project site, will continue to allow public access.

## PROJECT ANALYSIS

### *Alley Vacation*

Pursuant to State law, specifically Public Streets, Highways, and Services Easements Vacation Law (commencing with Section 8300 of the Streets and Highway Code of the State of California), the City may regulate traffic on its public streets, alleys, and walkways only to the extent expressly authorized. The law permits the City to vacate a street, alley, or walkway only upon a finding supported by substantial evidence that the right-of-way is no longer needed for vehicular or pedestrian traffic and is unnecessary for present or prospective public use. The following facts are provided to support the proposed vacation of a partial portion of the alley located mid-block between Market Street and Fairmount Boulevard:

- The subject portion of the alley is not needed for local vehicular and pedestrian circulation, as adequate access will continue to be provided via the existing network of streets, including Market Street, Fairmount Boulevard, Fifth Street and Sixth Street. Further, the subject alley, will not prohibit access to the two adjacent parcels south of the proposed vacation, as those parcels will retain access from the portion of the alley not being vacated and from existing driveways on Fairmount Boulevard and Sixth Street.
- The benefits of retaining the alley in its current configuration are outweighed by use of the existing alley area for a proposed hotel development.
- The Public Works, Police and Fire Departments are in support and have no objection to the proposed vacation, as conditioned. Adequate access to all surrounding private properties will continued to be maintained; and
- All contiguous property owners have signed a petition indicating concurrence with the proposed vacation.

Based on these findings Staff has determined that the subject portion of the alley is not necessary for vehicular or pedestrian circulation and the proposed vacation can be supported.

## NEIGHBORHOOD COMPATIBILITY

The project is compatible with the surrounding street grid system and development patterns in the Downtown area. The vacation of a portion of the alley will not impact access or circulation to

surrounding commercial properties. Additionally, gates placed across the segment of the proposed vacated alley allow for continued access for emergency vehicles and trash service. The project, as proposed, will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.

## ENVIRONMENTAL REVIEW

Planning Division Staff have determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15061(b)(3) (General Rule) of the CEQA Guidelines, as the project will not have a significant effect on the environment.

## PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses were received by Planning Staff.

## APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental findings, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Staff Recommended Conditions of Approval
2. Location Map
3. General Plan Map
4. Specific Plan Map
5. Project Plans (Alley Vacation, Fence Plan)
6. Project Site and Surrounding Photos

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Prepared by: Brian Norton, Senior Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: Rafael Guzman, Community and Economic Development Director



**EXHIBIT 1 – STAFF RECOMMENDED CONDITIONS OF APPROVAL**

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**Case Numbers:** P17-0550 (Alley Vacation)

**CONDITIONS**

**Case Specific**

• **Planning**

1. There shall be a one-year time limit in which to satisfy the conditions and finalize this action.
2. Reserve gas line easement over proposed street vacation area unless notice is provided from SoCal Gas that easement reservation is not required in letter head or via easement quitclaim.

• **Fire Department**

*Prior to Issuance of Building Permits*

3. The alley is fire access for this project and shall remain accessible between 5th and 6th.
4. Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent. Fire access shall comply with our required turning radius.
5. Provide for fire department access to the gate. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
6. An "Infrared Automatic Gate System" is required for all electric gates. Contact the Fire Prevention Division for information.

• **Public Works**

*Conditions to be fulfilled prior to case finalization unless otherwise noted*

7. All conditions placed upon this case must be fulfilled prior to the recording of the vacation resolution by the City Clerk. The case is not finalized until the City Clerk records the Vacation Resolution.
8. If the disposition of land is other than by operation of law the applicant shall have quitclaim deeds exchanging the property prepared to the satisfaction of Planning, City Attorney's Office and Public Works Departments. All necessary parcel descriptions and plats shall be prepared, signed and sealed by a licensed Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California. Descriptions and plats are required to be on 82 inch by 11 inch format.

9. Council authorizes the City Manager to execute quitclaims documents on behalf of the City of Riverside to extinguish the desired public rights within the vacated right of way that does not revert by operation of law.
10. Prior to finalization of the case, the applicant shall provide the appropriate documentation that the lender(s) / trustee(s) has(have) agreed to modify any Trust Deed(s) to reflect the reconfigured parcel(s).
11. Property transfers to the final proposed parcel configurations must be accomplished concurrently with the finalization of this case. Ownership of the property shall remain undivided prior to recordation of the Certificate of Compliance for Lot Line Adjustment.
12. All recording fees of the Riverside County Recorder, including transfer documents, grants of right-of-way and the Certificate of Compliance for Lot Line Adjustment are the responsibility of the applicant.
13. Applicant shall prepare Grant Deeds that have each owner grant to themselves each of the parcels in their final configuration. This requirement is necessary to insure that the final parcel configurations and ownership's are clearly identified in the Land Title History.
14. VC P17-0550 to be completed prior to issuance of the Certificate of Compliance.
15. Proposed gates shall include key pads allowing access to trash services to Public Works satisfaction.
- **Public Utilities – Electric**
16. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
17. Easements shall be maintained for existing and new facilities.